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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKET- ING ADMINISTRATION

[Order 30, Amendment 1]

PART 930—MILK IN TOLEDO, OHIO, MAR- KETING AREA¹

MARKETING ORDERS

Whereas, the Secretary of Agriculture, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended (48 Stat. 31), and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), issued effective May 1, 1940, an order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area; and

Whereas the Secretary, having reason to believe that the execution of an amendment to said order, as amended, would tend to effectuate the declared policy of the act, gave notice of a public hearing which was held in Toledo, Ohio, on December 17, 1940, on a proposal to amend said order, as amended, and at said time and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on a proposal to amend said order, as amended; and

Whereas after such hearing handlers of more than fifty (50) percent of the volume of milk covered by such order, which is marketed within the Toledo, Ohio, marketing area, refused or failed to sign a tentatively approved marketing agreement, as amended, regulating the handling of milk in the same area in the same manner as said order, as amended; and

Whereas the requirements of section 8c (9) of said act have been complied with; and

Whereas the Secretary finds, upon the evidence introduced at the above-men-

tioned public hearing, said findings being in addition to the findings made upon the evidence introduced at the original hearing on said order, and at the hearing on the order, as amended, and being in addition to the other findings made prior to or at the time of the original issuance of said order (all of which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

§ 930.0 Findings. (a) That the prices calculated to give milk handled in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8e of said act, are not reasonable in view of the prices of feeds, the available supplies of feeds, and other economic conditions which affect the market supply of and demand for milk, and that the minimum prices set forth in this amendment to said order are such prices as will reflect such factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(b) That the order, as amended, and as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to handlers specified in the tentatively approved marketing agreement, as amended, upon which a hearing has been held; and

(c) That the issuance of this amendment to the order, as amended, and all of the terms and conditions of the order, as amended, as herewith amended, will tend to effectuate the declared policy of the act.

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby orders that the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area, be, and it hereby is, amended as follows:

1. Delete from § 930.7 (f) (2) the phrase which reads "Effective for each calendar year following 1940" and substitute therefor the following: "Effective for the calendar year 1941."

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¹ Amendments to § 930.0 and § 930.7 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. § 601 et seq. (1934), 49 Stat. 750 (1935), 50 Stat. 246 (1937), 7 U.S.C. 601 et seq. (Supp. IV, 1938.)



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2. Add to § 930.7 (f) (2) the following:

Effective for each calendar year following 1941, subject to the adjustment provided in subparagraph (3) of this paragraph, compute such producer's daily average market-share deliveries for all delivery periods during the 12 months im-

mediately preceding December 1 of the last previous year: *Provided*, That for each delivery period covered by such 12 months during which any handler received from producers and new producers a quantity of milk greater than 115 percent of his Class I and Class II milk, each producer from whom such handler received full market-share deliveries for 7 or more delivery periods covered by such 12 months shall be given credit for having delivered his market share during such delivery period.

3. Delete § 930.7 (f) (3) and substitute therefor the following:

(3) At the beginning of each calendar quarter the figure computed pursuant to this paragraph for each producer from whom a handler receives milk shall be adjusted by that percentage which will make the sum of all such figures equal to 115 percent of the Class I and Class II milk of such handler during the first three months of the four months immediately preceding.

4. Delete § 930.7 (f) (5) (i) and substitute therefor the following:

(i) Each producer who chooses option A by writing to the market administrator prior to August 15, 1940, will deliver his milk under the provisions of option A. Each producer who chooses option B by writing to the market administrator and each producer who makes no choice of options will deliver his milk under the provisions of option B. Each new producer, upon becoming a producer, shall be given 15 days to make a choice of option A or option B. Each producer shall be notified as to his daily market share.

5. Delete § 930.7 (f) (5) (ii) and substitute therefor the following:

(ii) Any producer may make a written request to the market administrator during December, January, February, and March of any year, for change from option B to option A. A producer who makes such a request shall begin the delivery of his milk under option A on the first day of the delivery period immediately following that during which the request was made. No producer may change from option A to option B except at the beginning of a calendar year.

Now, therefore, Claude R. Wickard, Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 for the purposes and within the limitations therein contained and not otherwise, does hereby execute in duplicate and issue this amendment to the order regulating the handling of milk in the Toledo, Ohio, marketing area, under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia on this 10th day of March 1941, and declares this amendment

to be effective on and after the 16th day of March 1941.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-1794; Filed, March 11, 1941; 11:31 a. m.]

TITLE 16—COMMERCIAL PRACTICES CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3619]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF RABHOR CORPORATION

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods: § 3.66 (a7) Misbranding or mislabeling—Composition: § 3.69 (b) (1) Misrepresenting oneself and goods—Goods—Composition: § 3.71 (a) Neglecting, unfairly or deceptively, to make material disclosure—Composition.* In connection with offer, etc., in commerce, of respondent's men's robes, jackets, lounge suits and other wearing apparel, (1) using the word "silk" or any other word or term descriptive of silk to describe, designate, or in any way refer to any fabric or product which is not composed wholly of silk, the product of the cocoon of the silk worm, or (2) using the unqualified term "satin" or any other descriptive term of similar import or meaning indicative of silk to describe, designate, or in any manner refer to any fabric or product which is not composed wholly of silk, the product of the cocoon of the silk worm, or (3) advertising, offering for sale, or selling fabrics, garments, or other products composed in whole or in part of rayon without clearly disclosing, by the use of the word "rayon", the fact that such fabrics or products are composed of rayon, or (4) representing in any manner that fabrics or products offered for sale or sold by respondent contain silk in greater quantity than is actually the case, or (5) representing in any manner or by any means that respondent's products are composed of fibers or materials other than those of which such products are actually composed, prohibited; subject, however, to provision, as respects use of word "silk," etc., as above set forth, that in the case of fabrics or products composed in part of silk and in part of other fibers such term or similar terms may be used as descriptive of the silk content if there is used in immediate connection or conjunction therewith in letters of at least equal size and conspicuousness, words truthfully describing and designating each constituent fiber or material thereof, and to provision, as respects use of unqualified term "satin", etc., as above set forth, that when said word or descriptive term is used truthfully to designate or describe the type of weave, construction, or finish, such word shall be qualified by using in immediate connec-

tion and conjunction therewith, in letters of at least equal size or conspicuousness, a word or words clearly and accurately naming or describing the fibers or materials from which said products are made, and subject to further provision, as respects advertisement, etc., of fabrics, etc., composed in whole or in part of rayon, that when such fabrics or products are composed in part of rayon and in part of other fabrics or materials, such fabrics or materials shall be designated in immediate connection or conjunction with the word "rayon" in letters of at least equal size and conspicuousness which shall truthfully describe and designate each constituent fiber or material thereof. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Rabhor Corporation, Docket 3619, February 28, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of February, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Edward E. Reardon, an examiner of the Commission, theretofore duly designated by it, in support of the allegations of said complaint (no testimony being offered in opposition thereto), brief filed in support of the complaint and oral arguments by Robert Mathis, Jr., Counsel for the Commission, and by Erwin Feldman, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Rabhor Corporation, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its men's robes, jackets, lounge suits, and other wearing apparel, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "silk" or any other word or term descriptive of silk to describe, designate, or in any way refer to any fabric or product which is not composed wholly of silk, the product of the cocoon of the silk worm: *Provided, however*, That in the case of fabrics or products composed in part of silk and in part of other fibers such term or similar terms may be used as descriptive of the silk content if there is used in immediate connection or conjunction therewith in letters of at least equal size and conspicuousness, words truthfully describing and designating each constituent fiber or material thereof;

2. Using the unqualified term "satin" or any other descriptive term of similar

import or meaning indicative of silk to describe, designate, or in any manner refer to any fabric or product which is not composed wholly of silk, the product of the cocoon of the silk worm: *Provided, however*, That when said word or descriptive term is used truthfully to designate or describe the type of weave, construction, or finish, such word shall be qualified by using in immediate connection and conjunction therewith, in letters of at least equal size or conspicuousness, a word or words clearly and accurately naming or describing the fibers or materials from which said products are made;

3. Advertising, offering for sale, or selling fabrics, garments, or other products composed in whole or in part of rayon without clearly disclosing, by the use of the word "rayon", the fact that such fabrics or products are composed of rayon, and when such fabrics or products are composed in part of rayon and in part of other fabrics or materials, such fabrics or materials shall be designated in immediate connection or conjunction with the word "rayon" in letters of at least equal size and conspicuousness which shall truthfully describe and designate each constituent fiber or material thereof;

4. Representing in any manner that fabrics or products offered for sale or sold by it contain silk in greater quantity than is actually the case;

5. Representing in any manner or by any means that respondent's products are composed of fibers or materials other than those of which such products are actually composed.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1785; Filed, March 11, 1941;
9:48 a. m.]

[Docket No. 4386]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF HUSCO MANUFACTURING COMPANY, ETC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of hosiery, knives, fountain pens, ties, tobacco pouches, cigarette lighters, or any other merchandise, hosiery, knives, fountain pens, ties, tobacco pouches, cigarette lighters or any articles of merchandise so packed and assembled that sales thereof to the general public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat.

112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Husco Manufacturing Company, etc., Docket 4386, February 28, 1941]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of hosiery, knives, fountain pens, ties, tobacco pouches, cigarette lighters, or any other merchandise, others with push or pull cards, punch boards, or other lottery devices, either with assortments of merchandise or separately, which said push or pull cards, punch boards, or other lottery devices are to be, or may be, used in selling or distributing such merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Husco Manufacturing Company, etc., Docket 4386, February 28, 1941]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of hosiery, knives, fountain pens, ties, tobacco pouches, cigarette lighters, or any other merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Husco Manufacturing Company, etc., Docket 4386, February 28, 1941]

§ 3.6 (a) 22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer:* § 3.96 (b) 5) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller.* Using the word "manufacturer" or "manufacturing" as a part of any trade name used by respondent [manufacturer actually of only one of various articles of merchandise dealt in by him under various trade names], unless and until respondent shall operate a factory wherein such merchandise is wholly manufactured, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Husco Manufacturing Company, etc., Docket 4386, February 28, 1941]

In the Matter of Ivan D. Hussey, Individually and Trading as Husco Manufacturing Company; The Hussey Manufacturing and Distributing Company; The Hussey Distributing Company; Hussey Company; Hussey Manufacturing Company; and Terry Products Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of February, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all in-

intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That Ivan D. Hussey, individually and trading as Husco Manufacturing Company, The Hussey Manufacturing and Distributing Company, The Hussey Distributing Company, Hussey Company, Hussey Manufacturing Company, and Terry Products Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hosiery, knives, fountain pens, ties, tobacco pouches, cigarette lighters, or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

(1) Selling or distributing hosiery, knives, fountain pens, ties, tobacco pouches, cigarette lighters or any articles of merchandise so packed and assembled that sales of such merchandise to the general public are to be made or may be made by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices either with assortments of merchandise or separately, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing such merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That respondent shall cease from the use of the word "manufacturer" or "manufacturing" as part of any trade name used by him unless and until he shall operate a factory wherein such merchandise is wholly manufactured.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1786; Filed, March 11, 1941;
9:48 a. m.]

[Docket No. 4387]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THE RU-EX COMPANY

§ 3.6 (y) Advertising falsely or misleadingly—Safety: § 3.71 (e) Neglecting, un-

fairly or deceptively, to make material disclosure—Safety. Disseminating, etc., in connection with offer, etc., of respondent's "Ru-Ex" medicinal preparation, or any substantially similar preparation, whether sold under the same name or any other name, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that said preparation is in all cases safe or harmless, or which advertisements fail to reveal that said preparation should not be used by those having tuberculosis or goitre, prohibited; subject to the provision, however, that such advertisement need contain only a statement that said preparation should be used only as directed on the label thereof, when such label contains a warning to the effect that the preparation should not be used by those having tuberculosis or goitre. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Ru-Ex Company, Docket 4387, February 27, 1941]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 27th day of February, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent The Ru-Ex Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its medicinal preparation designated as "Ru-Ex", or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that said preparation is in all cases safe or harmless; or which advertisement fails to reveal that said preparation should not be used by those having tuberculosis or goitre: (Provided, however, That such advertisement need contain only a state-

16 F.R. 451.

ment that said preparation should be used only as directed on the label thereof, when such label contains a warning to the effect that the preparation should not be used by those having tuberculosis or goitre);

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in Paragraph 1 hereof, or which fails to reveal that said preparation should not be used by those having tuberculosis or goitre: (Provided, however, That such advertisement need contain only a statement that said preparation should be used only as directed on the label thereof, when such label contains a warning to the effect that the preparation should not be used by those having tuberculosis or goitre).

It is further ordered, That the respondent shall within ten (10) days after service upon it of this order file with the Commission an interim report in writing stating whether it intends to comply with this order and, if so, the manner and form in which it intends to comply; and that within sixty (60) days after service upon it of this order, said respondent shall file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1784; Filed, March 11, 1941;
9:48 a. m.]

TITLE 33—NAVIGATION AND NAVI- GABLE WATERS

CHAPTER III—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 83]

AMENDMENT OF PILOT RULES

MARCH 10, 1941.

Pursuant to the authority of R.S. 4405, as amended (46 U.S.C. 375), the statutory annual session of the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, was duly convened in Room 1851, Department of Commerce Building, Washington, D. C., on January 15, 1941, at which session, after public hearings, the following amendments to the Pilot Rules were adopted:

The last paragraph of paragraph (b) of §§ 312.13, 322.15, and 332.13 is amended to read as follows:

Nothing herein contained shall require copies of the Pilot Rules to be carried on board any motorboat as defined

by section 1 of the Act of April 25, 1940.
(54 Stat. 163-167; 46 U.S.C. 526-526t)

[SEAL] BOARD OF SUPERVISING
INSPECTORS,
R. S. FIELD,
Director; Chairman.
CHARLES M. LYONS,
U. S. Supervising Inspector,
1st District, Boston, Massachusetts.
GEORGE FRIED,
U. S. Supervising Inspector,
2nd District, New York, New York.
EUGENE CARLSON,
U. S. Supervising Inspector,
3rd District, Norfolk, Virginia.
JOHN F. OETTL,
U. S. Supervising Inspector,
4th District, New Orleans, Louisiana.
R. E. COOMBS,
U. S. Supervising Inspector,
5th District, Pittsburgh, Pennsylvania.
EARL B. HULL,
U. S. Supervising Inspector,
6th District, Cleveland, Ohio.
WILLIAM FISHER,
U. S. Supervising Inspector,
7th District, San Francisco, California.
Approved:

WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-1776; Filed, March 10, 1941;
4:02 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1496]

PART 240—PUBLIC LAND RECORDS

TOWNSHIP PLATS OF ACCEPTED SURVEYS NOT
OFFICIALLY FILED AVAILABLE TO PUBLIC;
NOTICE OF OFFICIAL FILING

Circular No. 527, dated February 6, 1917
(45 L.D. 648), and § 240.3, Title 43, of the
Code of Federal Regulations, based
thereon, are hereby amended to read as
follows:

§ 240.3 *Filing of township plats.* Upon
the acceptance of surveys by the General
Land Office, and upon receipt of photo-
lithographic editions of the plats, the
originals will be returned to the district
cadastral engineer of the proper public
survey office, accompanied in each case
by the triplicate copy for delivery to the
register of the appropriate district land
office. The duplicate copy will be re-
tained in the General Land Office. The
district cadastral engineer and the reg-
ister will, immediately upon receipt of
same, place the plat of record in their
open files and report to the Commis-
sioner of the General Land Office the date
of such action. Such plat then will be
available to the public as a matter of
information only with respect to the
technical data and land descriptions ap-
pearing thereon, and copies of such plat
and the related field notes will be fur-
nished on payment of costs, as provided
by the existing regulations.

Unless otherwise directed, the register
will not regard such plat as officially filed
in his office, or the lands as subject to

entry and disposal, until the receipt from
the General Land Office of instructions
for such filing and, thereafter, not until
the following regulations have been com-
plied with:

(a) The register will at once post a
notice in a conspicuous place in his office,
prepared in accordance with the instruc-
tions received, specifying the township or
part of township that has been surveyed
and stating that the plat thereof will be
filed in his office on a day to be fixed by
him and named in the notice, which shall
be not less than 30 days from the date
of such notice, and that on and after that
day the lands in such township or part
of township will be subject to proper dis-
position.

(b) The register will send a copy of
such notice to the postmaster in the town
in which the district land office is situ-
ated and postmasters of the post offices
nearest the land, to the clerk or clerks
of courts of record in the town where the
land office is located and in the county
where the land is situated, and such ad-
joining county or counties deemed ad-
visable by him.

(c) The register will also furnish, as
a matter of news, copies of the notice to
the newspapers published in the town
where the land office is situated and in
the neighborhood of the land, particu-
larly in the county in which the land is
located, and to newspapers known to
have a circulation in the vicinity of the
land. (R.S. 453, 2478; 43 U.S.C. 2, 1201)

FRED W. JOHNSON,
Commissioner.

Approved: March 4, 1941.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 41-1783; Filed, March 11, 1941;
9:40 a. m.]

TITLE 47—TELECOMMUNICATION CHAPTER I—FEDERAL COMMUNI- CATIONS COMMISSION

PART 2—GENERAL RULES AND REGULATIONS

APPENDIX B—FREQUENCY ALLOCATIONS

Attention is directed to the following
error in the Saturday, October 26, 1940,
issue of the FEDERAL REGISTER on page
4242:

The opening paragraph should read
"The Commission on October 22, 1940,
effective immediately, amended footnote
9¹ (referring to Part I—10-30,000 kilo-
cycles) and footnote 1² (referring to
Part II—30,000-300,000 kilocycles, inclu-
sive, and above) to read as follows:"

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-1789; Filed, March 11, 1941;
10:14 a. m.]

¹ 4 F.R. 2109.

² 4 F.R. 2121.

Notices

WAR DEPARTMENT.

[Contract No. W-6113 qm-24; O. I. #185]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: OWEN - AMES - KIMBALL CO.,
GRAND RAPIDS, MICHIGAN

Contract for: Temporary Buildings.
Amount, \$2,078,815.00.

Place: Fort Custer, Michigan.

The supplies and services to be ob-
tained by this instrument are authorized
by, are for the purpose set forth in, and
are chargeable to procurement
authorities:

QM 7027 P1-3211 A 1738-N-----	\$48,283.00
QM 7051 P1-3211 A 1738-N-----	1,974,932.00
QM 9012 P1-3211 A 0540.063-N-----	55,600.00

the available balances of which are suf-
ficient to cover the cost of same.

This Contract, entered into this twenti-
eth day of September 1940.

Statement of work. The contractor
shall furnish the materials, and perform
the work for the construction and com-
pletion of Temporary Buildings, includ-
ing the utilities thereto, at Fort Custer,
Michigan, for the consideration of two
million, seventy-eight thousand, eight
hundred fifteen dollars and no cents (\$2,-
078,815.00), in strict accordance with the
specifications, schedules, and drawings,
all of which are made a part hereof.

Changes. The contracting officer may
at any time, by a written order, and with-
out notice to the sureties, make changes
in the drawings and/or specifications of
this contract and within the general
scope thereof.

Delays—Damages. If the contractor
refuses or fails to prosecute the work, or
any separable part thereof, with such
diligence as will insure its completion
within the time specified in article 1, or
any extension thereof, or fails to com-
plete said work within such time, the
Government may, by written notice to
the contractor, terminate his right to
proceed with the work or such part of
the work as to which there has been
delay. If the Government does not ter-
minate the right of the contractor to
proceed, the contractor shall continue the
work, in which event the actual damages
for the delay will be impossible to deter-
mine and in lieu thereof the contractor
shall pay to the Government as fixed,
agreed, and liquidated damages for each
calendar day of delay until the work is
completed or accepted the amount as set
forth in the specifications or accompany-
ing papers and the contractor and his
sureties shall be liable for the amount
thereof.

Payments to contractors. Unless oth-
erwise provided in the specifications, par-
tial payments will be made as the work
progresses at the end of each calendar
month, or as soon thereafter as prac-
ticable, on estimates made and approved
by the contracting officer.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the Acts of First Supplemental National Defense Appropriation Act, 1941, Public No. 667—76th Congress, approved June 26, 1940 and Second Supplemental National Defense Appropriation Act, 1941, Public No. 781—76th Congress, approved September 9, 1940.

The foregoing contract was approved by the Assistant Secretary of War November 20, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1779; Filed, March 11, 1941;
9:39 a. m.]

[Contract No. W 6708 qm 143]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTORS: MACDONALD CONSTRUCTION COMPANY AND G. L. TARTLTON, CONTRACTOR, INC.

Contract for: Construction and Completion of * * * Sector Hospital and * * * Nurses Quarters at each of the following stations.

Amount: \$4,100,878.00.

Place: Fort Clayton and Fort Gulick, Canal Zone.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth therein, and are chargeable to Procurement Authorities quoted below, the available balances of which are sufficient to cover the cost of same:

Hospital, Fort Clayton, C. Z.

QM 8418 P 1-3211 A 0540.035-N, C. of B. U. & A. N/Y.

QM 7955 P 1-3211 A 0540.068-N, C. of B. U. & A. at M. P. N/Y.

QM 8313 P 1-3211 A 0540.035-N, C. of B. U. & A. N/Y.

Nurses Quarters, Fort Clayton, C. Z.

QM 7955 P 1-3211 A 0540.068-N, C. of B. U. & A. at M. P. N/Y.

Hospital, Fort Gulick, C. Z.

QM 8314 P 1-3211 A 0540.035-N, C. of B. U. & A. at N/Y.

QM 7955 P 1-3211 A 0540.068-N, C. of B. U. & A. at M. P. N/Y.

Nurses Quarters, Fort Gulick, C. Z.

QM 8314 P 1-3211 A 0540.035-N, C. of B. U. & A. N/Y.

This Contract, entered into this 5th day of November 1940.

Statement of work. The contractor shall furnish the materials, and perform the work for the construction and completion of * * * Sector Hospital and * * * Nurses Quarters at Fort Clayton, Canal Zone, and * * * Sector Hospital and * * * Nurses Quarters at Fort Gulick, Canal Zone for the consideration of four million one hundred thousand eight hundred seventy eight and no/100 (\$4,100,878.00) dollars, in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the acts of Public No. 164—76th Congress Supplemental Military Appropriation Act 1940 and Public No. 611—76th Congress Military Appropriation Act 1941 for Nos. QM 8418, 8313 and 8314; Public Resolution No. 99—76th Congress for No. QM 7955.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1782; Filed, March 11, 1941;
9:40 a. m.]

[Contract No. W 669 qm-9675; O. I. No. 3019]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: REEVES BROTHERS, INC.

Contract for: Cloth, Cotton, Khaki.
Amount: \$1,240,057.20.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This Contract, entered into this twelfth day of November 1940.

Scope of this contract. The contractor shall furnish and deliver * * * linear yards Cloth, Cotton, Khaki, for the consideration stated totaling one million, two hundred forty thousand, fifty-seven dollars and twenty cents (\$1,240,057.20) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Delays—Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each unit undelivered, a sum equal to * * * percentum of the price of each unit for each day's delay after the date or dates specified.

Bond: Furnished.

Amount: \$248,012.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 350 P2-0240 A 0515-01, the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P-C-114.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1780; Filed, March 11, 1941;
9:39 a. m.]

[Contract No. W 338 qm-8981; O. I. #1879]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: FEDERAL MOTOR TRUCK
COMPANY

Contract for: Tractor-Trucks.

Amount: \$3,417,000.00.

Place: Holabird Quartermaster Depot,
Baltimore, Maryland.This Contract, entered into this 7th
day of December 1940.

Scope of this contract. The contractor shall furnish and deliver tractor-trucks * * * Total * * * \$3,417,000.00, for the consideration stated and in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof. Liquidated damages shall be assessed against the contractor in the amount of * * * dollars per unit for each calendar day of delay in making delivery.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Terms of payment. Discount will be allowed for prompt payment as follows: 30 calendar days 5%.

Bond. Performance; amount, \$854,250.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 1801 P 37-3053 A 0525.003-01 the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1781; Filed, March 11, 1941;
9:39 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-221]

PETITION OF SUNLIGHT COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 11, FOR THE ESTABLISHMENT OF ADDITIONAL SIZE CLASSIFICATIONS AND MINIMUM PRICES FOR RAILROAD LOCOMOTIVE FUEL SOLD BY IT AND OTHER ON-LINE MINES WITHIN SAID DISTRICT TO THE SOUTHERN RAILWAY, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT
OF HEARING AND REDESIGNATING TRIAL
EXAMINER AND PLACE OF HEARING

The above-entitled matter having been assigned for public hearing before Edward J. Hayes, the duly designated Trial Examiner, on March 10, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, Post Office Building, Evansville, Indiana; and

Original petitioner having filed a request for a postponement of the date of hearing in the above-entitled matter; and

The Director finding that a reasonable showing of the necessity therefor has been made;

It is ordered, That D. C. McCurtain be, and he hereby is, designated to preside at the above-entitled matter vice Edward J. Hayes; and

It is further ordered, That the hearing in the above-entitled matter be postponed from March 10, 1941, until 10 o'clock in the forenoon of April 9, 1941, and be held at that time at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

The time for filing petitions of intervention in the above-entitled matter is hereby extended until April 4, 1941.

Dated: March 8, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.[F. R. Doc. 41-1800; Filed, March 11, 1941;
11:37 a. m.]

[Docket Nos. A-283, A-283-a]

PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

ORDER REOPENING HEARING AND ORDER FOR
SEVERANCE

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was filed with the Bituminous Coal Division by District Board 8, proposing price classifications and minimum prices for the coals of certain mines in District 8 not theretofore classified and priced, including the coals of Solon Mine (Mine Index No. 432) of the Meadow Creek Coal Company. By Order of the Director dated November 6, 1940, temporary price classifications and minimum prices were established for the coals of said mine. Thereafter, Meadow Creek Coal Company intervened, protesting the price classifications and minimum prices temporarily established and requesting additional temporary and permanent relief. Hearings were held on December 2, 9, and 10, 1940. At such hearings, witnesses testified on behalf of District Board 8 and the intervenor. District Board 8 recommended the granting of certain additional relief by way of lower classifications and minimum prices for shipment into Market Area 114 only. The intervenor renewed its request for temporary relief on the basis of its intervening petition. On December 10, 1940, the hearings were closed.

On January 31, 1941, an Order was issued by the Director granting additional and further temporary relief in connection with the coals of the Solon Mine subject to the conditions therein set forth.

On February 10, 1941, District Board 9 moved to stay or modify the temporary relief granted in the Order of January 31, 1941, and to reopen the hearing with reference to the price classifications and minimum prices established for the coals of the Solon Mine.

The Director has rendered an opinion concerning that motion of District Board 9, dated March 10, 1941, and filed herewith.

Now, therefore, it is ordered, That the proceedings with respect to the Solon Mine of the Meadow Creek Coal Company be severed from the remainder of the proceedings in connection with Docket No. A-283 and that they be designated as Docket No. A-283-a; that the hearing with respect to Docket No. A-283-a be reopened for the limited purpose of considering the evidence of District Boards 9 and 13, and any other interested parties, in respect to the establishment of classifications and mini-

mum prices for the Solon Mine; that the hearing be held on March 24, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C., before Charles O. Fowler, or any other officer or officers of the Division duly designated to preside at the hearing; that the entire record heretofore made in the hearings held on December 2, 9 and 10, 1940, in so far as it is applicable thereto, shall be deemed a part of the record of these proceedings.

Notice of the reopening of the hearing is hereby given to all parties in Docket No. A-283, to District Boards 9 and 13, and to all interested code members in Districts 8, 9 and 13, and to other persons and entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the Rules and Regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the petition of intervention of the Meadow Creek Coal Company is supported or opposed.

The matter concerned herewith is in regard to the establishment of classifications and minimum prices for coals of the Solon Mine (Mine Index No. 432) of the Meadow Creek Coal Company.

Dated March 10, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1799; Filed, March 11, 1941;
11:37 a. m.]

[Docket No. A-299]

PETITION OF THE HAWK COAL COMPANY FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 782, DISTRICT NO. 4, IN SIZE GROUPS 4 AND 7, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER FOR DISMISSAL OF PETITION

By his Order of December 23, 1940, in the above-entitled matter, the Director scheduled a hearing therein on January 9, 1941, at a hearing room of the Bituminous Coal Division in Court Room No. 2, Federal Building, Columbus, Ohio. The above-entitled matter coming on for hearing on that day and the original petitioner and District Board 4, an intervenor, having moved that the hearing therein be continued indefinitely and that any further hearing be held at a hearing room of the Bituminous Coal Division in Washington, D. C., and Counsel for the Bituminous Coal Division having moved that the matter be dismissed, without prejudice.

Now, therefore, it is ordered, That the petition in the above-entitled matter be

and it hereby is dismissed, without prejudice.

Dated: March 10, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1803; Filed, March 11, 1941;
11:38 a. m.]

[Docket No. 603-FD]

APPLICATION OF ARKANSAS - OKLAHOMA SMOKELESS COALS, INC., FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY; APPLICATION OF ARKANSAS - OKLAHOMA SMOKELESS COALS, INC., FOR PROVISIONAL APPROVAL OF 1940-41 MARKETING AGENCY AGREEMENTS FOR MARKET AREA NO. 40

NOTICE OF AND ORDER FOR HEARING

Arkansas-Oklahoma Smokeless Coals, Inc., an Arkansas Corporation, having been granted provisional approval as a marketing agency pursuant to Section 12 of the Bituminous Coal Act of 1937, by order of the National Bituminous Coal Commission dated May 1, 1939, and having been granted provisional approval of certain modifications made by applicant in its marketing agency agreements for market areas other than Market Area No. 40, to the extent and in the manner set forth in the Findings of Fact, Conclusions, Opinion and Order of the Director of the Bituminous Coal Division, dated November 13, 1940; and a further application having been filed with the Bituminous Coal Division on December 26, 1940, by applicant for provisional approval of proposed 1940-41 marketing agency agreements for Market Area No. 40;

It is ordered, That a hearing on such matter be held on the 3d day of April 1941, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the chief of the Records Section in Room 500 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, to examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of appropriate orders in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such applicant and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before March 31, 1941.

The matter concerned herewith is in regard to an application filed by Arkansas-Oklahoma Smokeless Coals, Inc., for provisional approval of proposed 1940-41 marketing agency agreements for Market Area No. 40 only, which marketing agency agreements are alleged to be identical in every respect to the subagency agreements, except in section 6 and 15, heretofore approved by the aforementioned orders dated May 1, 1939 and November 13, 1940.

The applicant specifically requests approval of marketing agency agreement for Market Area No. 40, the form and substance of which are identical in every respect to the subagency agreement approved November 13, 1940, except in Sections 6 and 15, and that these two sections are to be modified as follows:

SECTION 6. The Selling agent agrees to pay to the Sub-agent, and the Sub-Agent agrees to accept such payment as full compensation for sale of coal under this agreement, a maximum commission, of ten (10¢) cents a ton on all slack and nut run coal (from which no part of the fine coal has been removed) and for coal sold to railroads, when sold through Sub-Agents; and twelve (12¢) cents a ton on 6" x 0", and agrees to pay a maximum commission of eight (8%) per cent of the price F. O. B. the mine for the sale of all other coal. Sub-Agents may allow discounts from minimum prices on sales of coal only to persons authorized by the Coal Division to receive such discounts and such discounts shall not exceed the maximum discounts or price allowances prescribed by the Coal Division upon such sales. Only one such discount may be allowed on one such sale.

SECTION 15. This agreement applies only to price area number 40 as defined by the Bituminous Coal Division of the Department of the Interior, all other areas as defined by the Bituminous Coal Division of the Department of the Interior are not included herein.

Applicant further states that the only changes in the agreement for Market Area No. 40 involves the rate of commission allowed to subagents and limitation of sale of coal by subagents; and the reasons for the changes in respect to Market Area No. 40, are: that the commissions allowed are comparable to commission on other coal sold in Market Area No. 40, that commission of 8% is less than the commission paid by applicant on coal sold in other areas, and that said commission of 8% is satisfactory and

acceptable to subagents selling such coal in the aforementioned Market Area No. 40.

Dated: March 10, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1798; Filed, March 11, 1941;
11:36 a. m.]

[Docket No. A-639]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 FOR PRELIMINARY, OR TEMPORARY, AND PERMANENT ORDER OF CHANGE IN CLASSIFICATION OF SIZE GROUPS 1 TO 4, INCLUSIVE, COALS PRODUCED IN DISTRICT 8 BY THE YOUGHIOGHENY & OHIO COAL COMPANY FOR SHIPMENT TO ALL MARKET AREAS

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 18, 1941, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Thurlow G. Lewis or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 14, 1941.

No. 49—2

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Bituminous Coal Producers Board for District No. 8 for a change in the classification of coals produced in Size Groups 1 to 4 inclusive, by the Youghioghenny & Ohio Coal Company, Mine Index No. 476, from "G" to "K" for shipments into all market areas. Dated: March 10, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1796; Filed, March 11, 1941;
11:36 a. m.]

[Docket No. A-665]

PETITION OF ENOS COAL MINING COMPANY, A CODE MEMBER IN DISTRICT 11, FOR PRELIMINARY AND PERMANENT REDUCTIONS OF 10 CENTS PER TON IN THE EFFECTIVE MINIMUM PRICES FOR MINE INDEX 36, DISTRICT 11, IN SIZE GROUPS 1-5, INCLUSIVE, FOR SHIPMENT TO MARKET AREA 29

[Docket No. A-720]

PETITION OF DISTRICT BOARD 11 FOR PRELIMINARY AND PERMANENT REDUCTIONS OF 10 CENTS PER TON IN THE EFFECTIVE MINIMUM PRICES FOR DISTRICT 11 RAIL COALS IN SIZE GROUPS 1-6, INCLUSIVE, EXCEPT THOSE INCLUDED IN PRICE GROUPS 6, 14, 15, 16 AND 17, FOR SHIPMENT TO MARKET AREA 29

ORDER POSTPONING HEARING IN DOCKET NO. A-665, ORDER OF CONSOLIDATION, AND NOTICE OF AND ORDER FOR HEARING

Original petitions in the above entitled matters having been duly filed with this Division by the above named parties, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937; and

The above entitled matter in Docket No. A-665 having been assigned for public hearing before D. C. McCurtain, the duly designated Trial Examiner, on March 25, 1941, at 10 o'clock a. m., at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.; and

It appearing that the above entitled matters raise analogous issues; and

The Director finding that his action in these matters, as hereinafter set forth, is necessary in order to effectuate the purposes of the Act;

It is ordered, That the hearing in Docket No. A-665 be, and it hereby is, postponed until a time immediately hereinafter designated.

It is further ordered, That a consolidated public hearing on temporary and

permanent relief in the above entitled matters in Dockets Nos. A-665 and A-720 be held on April 3, 1941, at 10 o'clock a. m., at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain, or any other officer or officers of the Division duly designated for that purpose, shall preside at the aforesaid consolidated hearing in such matters. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law. *Provided, however,* That the prayers for temporary relief shall be reserved within the jurisdiction of the Director for any such action as may be deemed by him to be appropriate at any time during the course of the proceedings in the above entitled matters.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become parties herein. Any person desiring to be admitted as a party to these proceedings may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petitions is supported or opposed, or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 28, 1941.

The matters concerned herewith are in regard to (1) the petition of the Enos Coal Mining Company, in Docket No. A-665, requesting temporary and permanent reductions of 10 cents per ton in the effective minimum prices for Mine Index 36 in Size Groups 1-5, inclusive, for shipment by rail to Market Area 29, or, in the alternative, for 10-cent reductions in the effective minimum prices for Mine Index 36 in Size Groups 3 and 5, for shipment by rail to Market Area 29; and (2) the petition of District Board 11, in Docket No. A-720, requesting that the effective minimum prices for District No. 11 coals, produced from mines included in Price Groups Nos. 1-5, inclusive, 7-13, inclusive, 18 and 19 be reduced 10 cents per ton in Size Groups Nos. 1-6, inclusive, for shipment by rail to Market Area No. 29.

All persons are hereby notified that the hearing in the above entitled matters, and any orders entered therein, may concern, in addition to the matters specifically alleged in the petitions, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petitions, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petitions.

Dated: March 10, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1801; Filed, March 11, 1941;
11:37 a. m.]

[Docket No. A-668]

PETITION OF C. C. FAY, DOING BUSINESS AS FAY COLLIERIES CO., ET AL., FOR REDUCTION IN THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 7, 13, 16, 37, 119, AND 178 IN DISTRICT NO. 4 FOR USE AS VESSEL FUEL

NOTICE OF AND ORDER FOR HEARING

A joint petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by C. C. Fay, doing business as Fay Collieries Co., Industrial Coal & Iron Co., The Harmon Creek Coal Corporation, and The Jefferson Company;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 25, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Chas. O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may

file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 20, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the joint petition of C. C. Fay, doing business as Fay Collieries Co., Industrial Coal & Iron Co., The Harmon Creek Coal Corporation, and The Jefferson Company for reduction in the effective minimum prices for the coals of Mine Index Nos. 7, 13, 16, 37, 119, and 178 in District No. 4 for use as vessel fuel.

Dated: March 10, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1802; Filed, March 11, 1941;
11:37 a. m.]

[Docket No. A-707]

PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE PRICE CLASSIFICATION AND MINIMUM PRICE FOR CERTAIN COALS PRODUCED BY THE CODE MEMBERS IN DISTRICT NO. 7 BY AMENDING THE DESCRIPTION FOR THE COALS IN KEY SIZE NO. 41

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 31, 1941, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Wm. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses,

compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 26, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 7 for revision of the price classification and minimum price for certain coals produced by the code members in District No. 7 by amending the description for the coals in Key Size No. 41, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: March 10, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1795; Filed, March 11, 1941;
11:36 a. m.]

[Docket No. A-708]

DISTRICT BOARD NO. 7 FOR REVISION OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS OF MINE INDEX NO. 5 OF GAULEY MOUNTAIN COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 7

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules

of the Division be held on March 21, 1941, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Chas. O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 17, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to revising the effective minimum prices for certain coals of Mine Index No. 5 of the Gauley Mountain Coal Company, a code member in District No. 7, by changing Price Classification "A" to "D" in Size Groups 15 to 21, inclusive, and Price Classification "A" to "E" in Size Group 22, and by establishing Price Classification "C" in Size Groups 24 to 27, inclusive.

Dated: March 10, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-1797; Filed, March 11, 1941;
11:36 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

DETERMINATION OF THE SECRETARY OF AGRICULTURE, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 1 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA

The Secretary of Agriculture, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended (48 Stat. 31), and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), issued, effective May 1, 1940, an order,¹ as amended, regulating the handling of milk in the Toledo, Ohio, marketing area.

The Secretary, having reason to believe that the execution of an amendment to said order, as amended, would tend to effectuate the declared policy of the act, gave notice of a public hearing² which was held in Toledo, Ohio, on December 17, 1940, on a proposal to amend said order, as amended, and at said time and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on a proposal to amend said order, as amended.

After such hearing, handlers of more than fifty (50) percent of the volume of milk covered by such order, which is marketed within the Toledo, Ohio, marketing area, refused or failed to sign a tentatively approved marketing agreement, as amended, regulating the handling of milk in the same area in the same manner as said order, as amended.

The Secretary of Agriculture, pursuant to the powers conferred upon him by said act, hereby determines:

1. That the refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of amendment No. 1 to the order, as amended, is the only practical means, pursuant to such policy, of advancing the interest of producers of milk which is produced for sale in said area; and

3. That the issuance of amendment No. 1 to the order, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of November 1940, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, Claude R. Wickard, Secretary of Agriculture of the United States, has executed this determination in duplicate, and has hereunto set his

¹ 5 F.R. 1571.

² 5 F.R. 5071.

hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 7th day of March 1941.

[SEAL]

CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D. ROOSEVELT
The President of the United States.

Dated: March 8, 1941.

[F. R. Doc. 41-1793; Filed, March 11, 1941;
11:31 a. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

[Order No. 85]

ORDER REGARDING CHANGE IN LOCATION OF SUPERVISING INSPECTOR'S OFFICE

The location of the office of the Supervising Inspector of the Fifth District is changed from Pittsburgh, Pennsylvania, to Cincinnati, Ohio, effective April 1, 1941. [4403 R.S. as amended (46 U.S.C. 372); R.S. 161 (5 U.S.C.22)]

[SEAL]

H. C. SHEPHEARD,
Acting Director.

Approved: March 10, 1941.

WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-1778; Filed, March 10, 1941;
4:09 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6006]

APPLICATION OF W. B. GREENWALD (TRANSFEROR) AND O. L. TAYLOR, WILLIAM WYSE & WESLEY E. BROWN (TRANSFEREES)

NOTICE OF HEARING

Application dated November 16, 1940, for transfer of control of the Nation's Center Broadcasting Co., Inc., licensee of station KWBG; class of service, broadcast; class of station, broadcast; location, Hutchinson, Kansas; present operating assignment: Frequency 1,420 kc.; power 100 watts (C. P. 250 watts); hours of operation unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the proposed transferees to acquire control of KWBG and to operate it in the public interest.

2. To determine whether the acquisition of control of this station, by the proposed transferees, would be in the public interest in view of the interests of O. L. Taylor, one of the transferees, in Sta-

tions KRGV, Weslaco, Texas, KFYO, Lubbock, Texas, and KTSA, San Antonio, Texas.

3. To determine when the negotiations concerning the proposed transfer of control of KWBG first began, the reasons and purposes for the proposed transfer and the character of changes, if any, contemplated by transferees as to the service of the station or otherwise.

4. To determine what steps, if any, have been taken by the permittee under the control of transferors to comply with the construction permit (B4-P-2521).

5. To determine whether the proposal to transfer control under the circumstances revealed by the application may involve a violation of section 301 and/or section 310 (b) of the Communications Act.

6. To determine the causes of, and the reasons and necessity for, the several extensions of construction permit (B4-P-2521) and whether said extensions, or any of them, were obtained with a view to enhancing the sale value of KWBG.

7. To determine whether the granting of the application will serve public interest.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicants' addresses are as follows:

W. B. Greenwald, 1922 North Main, Hutchinson, Kansas.

O. L. Taylor, William Wyse & Wesley E. Brown, % O. L. Taylor, 8th & Harrison Streets, Amarillo, Texas.

Dated at Washington, D. C. March 8, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-1787; Filed, March 11, 1941;
10:14 a. m.]

[Docket No. 6027]

APPLICATION OF OZARKS BROADCASTING
COMPANY (KWTO)
NOTICE OF HEARING

Application dated March 8, 1940, for construction permit, class of service, broadcast; class of station, broadcast; location, Springfield, Missouri; operating assignment specified: Frequency, 560 kc.; power, 1 kw. night; (DA-Night); 5 kw. day; hours of operation unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of the application would be consistent with the Standards of Good Engineering Practice.

2. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

3. To determine the nature and extent of any interference which would result to the service of Station KFDM, Beaumont, Texas, WIND, Gary, Indiana, and KLZ, Denver, Colorado, should Station KWTO operate as proposed, simultaneously with stations KFDM, WIND and KLZ.

4. To determine the extent to which the service of applicant station would be limited by interference if operated unlimited time as proposed.

5. To determine the relationship between applicant and the owners and publishers of the newspapers of the community in which Station KWTO is located and with respect to the owners and the licensee of Station KGBX.

6. To determine whether the granting of the application and operation of Station KWTO unlimited time as proposed would tend to augment competition between media for the dissemination of intelligence or whether a grant would tend toward the centralization of control of such media.

7. To determine whether in view of the matters shown by examination of the foregoing issues, public interest, convenience and necessity will be served by granting the application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Ozarks Broadcasting Company, Radio Station KWTO, 508 St. Louis St., Springfield, Missouri.

Dated at Washington, D. C., March 8, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-1788; Filed, March 10, 1941;
10:14 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

IN THE MATTER OF BARRETT & COMPANY, SATTERFIELD & LOHRKE, AND BOND & GOODWIN, INC.

ORDER FOR CONTINUANCE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Washington, D. C., on the 7th day of March, A. D. 1941.

For good cause shown it is hereby ordered that the hearing in this matter heretofore set for the 17th day of March, 1941, be and the same is hereby continued to the 17th day of April, 1941, at 10 o'clock A. M., at the Boston Regional Office of the Securities and Exchange Commission, 52 Devonshire Street, Boston, Massachusetts, and thereafter at such times and places in Boston, Massachusetts, or elsewhere, as the officer heretofore designated to conduct this proceeding may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1790; Filed, March 11, 1941;
11:28 a. m.]

[File No. 37-24]

IN THE MATTER OF THE UNITED LIGHT AND POWER SERVICE COMPANY

ORDER APPROVING AMENDMENT TO DECLARATION PURSUANT TO SECTION 13 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of March, A. D. 1941.

The United Light and Power Service Company (formerly The United Light and Power Engineering and Construction Company) having on December 11, 1940, filed an Amendment to its declaration in which it proposes the making of certain changes in its method of organization and operations, and having represented that it desired to make such changes effective as of January 1, 1941; and

A hearing having been held on said Amendment to said declaration and the Commission having considered the record herein and finding that said changes should be permitted to be made, subject to the limitations and to the conditions hereinafter prescribed;

It is ordered, That the proposed changes in method of organization and operations in the business of The United Light and Power Service Company as more fully set forth in said Amendment, be and are hereby approved, and the said The United Light and Power Service Company be and is hereby authorized to place said changes into effect as of January 1, 1941, subject to the limitations and conditions hereinafter prescribed.

The United Light and Power Service Company having also requested approval of the continuance of the arrangement

by which Michigan Consolidated Gas Company pays certain portions of the salaries of Messrs. William G. Woolfolk and Frank L. Conrad, who are executive officials of The United Light and Power Service Company, and the Commission having considered the said arrangement, and having given an opportunity for hearing with respect thereto, and the Commission being of the opinion that said arrangement may appropriately be temporarily exempted from the provisions of section 13 (a) consistently with the public interest and the protection of investors and consumers;

It is ordered, That said arrangement by which Michigan Consolidated Gas Company pays a portion of the salaries of Messrs. Woolfolk and Conrad be and is hereby exempted from the provisions of section 13 (a) for a period of six months from the date of this order.

It is further ordered, That all arrangements approved or exempted by this order may be re-examined at any time, either upon motion of the Commission or upon application of the company, to insure compliance with present or future requirements of the Act, Rules and Regulations of orders, and jurisdiction is reserved for all of such purposes.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1792; Filed, March 11, 1941;
11:28 a. m.]

[File No. 70-269]

IN THE MATTER OF STANDARD GAS AND
ELECTRIC COMPANY

ORDER PERMITTING APPLICATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of March, A. D. 1941.

The above named party, a registered holding company, having filed an application pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and under Rule U-12C-1 and Rule U-8 promulgated under said Act, seeking approval of the purchase from T. J. Carlyle Gifford, of 15 Broad Street, New York, New York, a non-affiliate, of \$198,300 principal amount of its 6% Gold Debentures, Series B, due December 1, 1966, at the price of \$78 per \$100 principal amount thereof, plus accrued interest to the date of delivery; and

Said application having been filed on March 1, 1941, and notice of said filing having been duly given in the form and manner prescribed by said Rule U-8, and the Commission not having received a request for hearing with respect to said application within the period set forth in said notice or otherwise and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to approve said application pursuant to said section 12 (c) and said Rule U-12C-1 and finding with respect thereto that the transaction of said party in its own securities is not objectionable to said section or under said rule; and

The Commission being satisfied that the date of approval of said application should be advanced:

It is hereby ordered, Pursuant to said Rule U-8 and the applicable provisions of the Act and rules promulgated thereunder that the aforesaid application be and the same hereby is approved forthwith; subject, however, to the terms and conditions prescribed in Rule U-9 promulgated under said Act.

By the Commission. Commissioner Healy dissented, for reasons stated in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1791; Filed, March 11, 1941;
11:28 a. m.]

[File No. 31-31]

IN THE MATTER OF PUBLIC SERVICE
CORPORATION OF NEW JERSEY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of March, A. D. 1941.

Public Service Corporation of New Jersey, a New Jersey corporation, having applied for an order of the Commission pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935 declaring it not to be a subsidiary of The United Corporation, which owns approximately 13.9% of its outstanding voting securities, or of The United Gas Improvement Company, a subsidiary of The United Corporation, which owns approximately 28.5% of its outstanding voting securities;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on April 8, 1941, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, in room 1102, 1778 Pennsylvania Avenue NW., Washington, D. C.;

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

Notice of such hearing is hereby given to such applicant and to any other person whose participation in such proceeding may be in the public interest or for the

protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 3, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1804; Filed, March 11, 1941;
11:50 a. m.]

[File No. 70-255]

IN THE MATTER OF TRUSTEES, ASSOCIATED
GAS AND ELECTRIC CORPORATION; ASSO-
CIATED UTILITIES CORPORATION; AND
NORTHEASTERN WATER COMPANIES, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of March, A. D. 1941.

A declaration and application having been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by the above-named company, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-8 under said Act; and

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration and application, and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on March 26, 1941, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1103 will advise as to the room where such hearing will be held. At such hearing, if in respect to any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application and declaration particular attention will be directed at said

hearing to the following matters and questions:

(1) Whether the consideration for and the valuation of the securities are fair and reasonable;

(2) Whether the accounting treatment to be given the transactions is consonant with correct accounting principles;

(3) Whether the transactions, which are the subject of the filing, will best effectuate or be detrimental to the carrying out of provisions of section 11;

(4) Whether the acquisition of securities will serve the public interest by tending towards the economical and efficient development of an integrated public utilities system;

(5) Whether these transactions, which are the subject of the filing, are detrimental to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-1805; Filed, March 11, 1941;
11:50 a. m.]